

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
GREENSBORO DIVISION

In Re: )  
)  
Shelby Coleman Abbott, ) Case No.: 19-10504 C-13  
)  
Debtor. )  
\_\_\_\_\_)

OBJECTION TO NOTICE OF MORTGAGE PAYMENT CHANGE

NOW COMES Shelby Coleman Abbott (“Debtor”), by and through counsel, and respectfully objects to the Notice of Mortgage Payment Change filed January 9, 2020, and in support thereof shows the following:

1. On May 8, 2019 (“Petition Date”), the Debtor filed a petition for Chapter 13 Bankruptcy in the United States Bankruptcy Court for the Middle District of North Carolina, Greensboro Division. Anita Jo Kinlaw Troxler is the dually appointed Chapter 13 Trustee. The Chapter 13 Plan was confirmed on July 25, 2019 (“Plan”).

2. On January 9, 2020, U.S. Bank Trust National Association, as Trustee of the SCIG III Trust (“Creditor”) caused to be filed a Notice of Mortgage Payment Change (the “Notice”) for an increase in the monthly escrow payment from \$0.00 per month to \$241.08 per month. The Notice sets out a new payment effective date of February 8, 2020.

3. On the Petition Date, the Debtor’s mortgage account was a non-escrow account.

4. Upon information and belief, post-petition, an escrow analysis was conducted by the Creditor, and it was determined by the Creditor that the account should become an escrow account.

5. Further, upon information and belief, the Creditor made a post-petition lump sum payment to Rockingham County tax department, resulting in an escrow shortage.

6. Further, it appears that the Creditor is requiring a cure of the escrow shortage over a twelve month period, which the Debtor asserts is improper. Any escrow shortage should be cured over the life of the plan.

WHEREFORE, the Debtor prays the Court:

1. Deny U.S. Bank Trust National Association, as Trustee of the SCIG III Trust’s Notice of Mortgage Payment Change; and

2. For such other and further relief as the Court deems just and proper.

This the 19<sup>th</sup> day of August, 2020.

/s/Samantha K. Brumbaugh

Attorney for Debtor

NCSB#: 32379

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Greensboro, NC 27402

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CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that a copy of the foregoing OBJECTION TO NOTICE OF MORTGAGE PAYMENT CHANGE was duly served upon the following via the CM/ECF System as applicable or by depositing same enclosed in a postpaid, properly addressed envelope in a Post Office or official depository under the exclusive care and custody of the United States Postal Service:

William P. Miller, Esq.  
Bankruptcy, Administrator  
101 South Edgeworth Street  
Greensboro, North Carolina 27401  
VIA CM/ECF

Anita Jo Kinlaw Troxler  
Chapter 13 Trustee  
P.O. Box 1720  
Greensboro, NC 27402-1720  
VIA CM/ECF

U.S. Bank Trust National Association,  
as Trustee of the SCIG III Trust  
314 S. Franklin Street  
PO Box 517  
Titusville, PA 16354

Michelle R. Ghidotti-Gonsalves  
Ghidotti | Berger LLP  
1920 Old Tustin Avenue  
Santa Ana, CA 92705

This the 19<sup>th</sup> day of August, 2020.

/s/Samantha K. Brumbaugh  
Attorney for Debtor  
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